

Course Descriptions None 2022-2023

Course Title Sustainability, Law and the Environment
Course Code SSP2052
ECTS Credits 5,0
Assessment Whole/Half Grades

Period	Start	End	Mon	Tue	Wed	Thu	Fri
4	6-2-2023	31-3-2023		X		X	

Level Introductory/Intermediate

Coordinator Christian Scholl For more information:christian.scholl@maastrichtuniversity.nl

Language of instruction English

Goals
After studying the course the students should be able to:
* Explain the role of international and global environmental law towards achieving environmental protection
* Explain how the concept of sustainable development impacts legal developments
* Explain the core characteristic of regulation and liability in view of steering economic activities
* Explain the relevance of procedural rights for environmental policies
* Explain, based on literature and case law discussed during this course, how climate science may play a role in the courtroom
* Develop a well-motivated opinion on core topics and concepts discussed during the course

Description
PLEASE NOTE THAT THE INFORMATION ABOUT THE TEACHING AND ASSESSMENT METHOD(S) USED IN THIS COURSE IS WITH RESERVATION. A RE-EMERGENCE OF THE CORONAVIRUS AND NEW COUNTERMEASURES BY THE DUTCH GOVERNMENT MIGHT FORCE COORDINATORS TO CHANGE THE TEACHING AND ASSESSMENT METHODS USED. THE MOST UP-TO-DATE INFORMATION ABOUT THE TEACHING/ASSESSMENT METHOD(S) WILL BE AVAILABLE IN THE COURSE SYLLABUS.

Given the existence of global environmental problems, it is of utmost importance to have adequate legal instruments in order to steer the behavior of governments and private actors towards more sustainable behavior. At the same time, the international community has acknowledged that environmental law should not have a single environmental focus and that law should be developed on the basis of a balance between economic, social and environmental concerns. It is however not easy to reconcile the often single-focused legal approaches, based on competences for regulatory action, with such a broad balancing of different interests.

Despite the presence of many global institutions and treaties, the effectiveness of the international governmental approach towards environmental protection is disappointing, and ways to improve this current patchwork in order to achieve sustainable development have to be explored. This ranges from improvements at the international level to bottom up approaches by strengthening national law.

In this vein, the course takes two perspectives:

* First, the regulatory perspective with a discussion of international environmental rulemaking but also unilateral regulatory approaches in case the international community falls short. Also, with what kind of regulatory instruments can business behaviour be regulated in view of protecting the environment?
* The second perspective is the civil society perspective, including the position of non-governmental environmental organizations. Why is an international human right on a sound environment still lacking? What are the procedural rights that victims and environmental NGO's can use in their attempts to address activities harmful to the environment and to human health?

Built on these two perspectives, this course offers the students a comprehensive study of different legal approaches towards environmental sustainability.

The problem of climate change serves as the core case for the course. Particular attention will go to regulatory instruments, ranging from traditional command and control to market-based regulatory approaches like "carbon trading", but also the role of climate science and human rights in the courts will be discussed. After the course, it will be easier for students to understand the thinking of lawyers and, moreover, have a basic idea of the role that law can play - including its shortcomings - in the pursuit of sustainability.

Literature
An electronic reference list is available through Key Links. In addition, students may have to download some additional information as indicated in the descriptions of the lectures and tutorials provided through Canvas.

Prerequisites

Keywords
* International and global environmental law
* Regulatory approaches, including economic instruments
* Liability of economic operators, including its transnational dimension
* Environmental Rights, including environmental procedural rights, for victims and NGO's

Teaching methods
Presentation / Lecture / Assignment / Groupwork

Assessment methods
Written Exam / Presentation / Take home exam

Evaluation in previous academic year
For the complete evaluation of this course please click <http://iwio-sbe.maastrichtuniversity.nl/rapporten.asp?referrer=codeUM>

This course belongs to the following programme / specialisation

Master Sustainability Science, Policy and Society Elective Course(s)